

United States Senate

WASHINGTON, DC 20510

February 1, 2011

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The Honorable Kenneth E. Melson
Acting Director
Bureau of Alcohol, Tobacco, Firearms and Explosives
99 New York Avenue, NE
Room 5S 144
Washington, DC 20226

The Honorable Jacob Lew
Director
Office of Management and Budget
725 17th Street, NW
Washington, DC 20503

Dear Acting Director Melson and Director Lew:

We write to you to express our objections to potential approval by the Office of Management and Budget (OMB) of the Bureau of Alcohol, Tobacco, Firearms and Explosives' (ATF) proposed information collection requiring federally licensed firearm dealers to report the sales of two or more semiautomatic rifles to the same customer within a five-day period. We understand that two Senators and 37 House members have already expressed their concerns, and yet yesterday the *Washington Post* quoted a Department of Justice spokesperson who says OMB is likely to approve the rule this week.

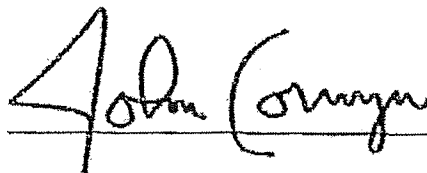
We are strongly opposed to ATF's request to expand unnecessarily burdensome requirements on gun dealers, and, in turn, on lawful gun owners. We are especially alarmed at ATF's attempt to regulate the sale of firearms through an emergency notice such as this, which has not been properly vetted by Congress or by the affected public.

Most importantly, ATF does not have the authority to collect this data. Federal firearms statute clearly limits multiple sales report requirements to "pistols, or revolvers" (18 USC 923(g)(3)(A)). Implementing ATF's proposal would subject firearms dealers and their customers to new, onerous requirements that would inevitably track and catalogue the purchases of law-abiding gun owners. This proposal can be characterized as an end-run around Congress on a significant issue that affects the fundamental constitutional rights of our citizens.

Violence along the Southwest border is a serious issue, and one that we do not take lightly. However, we are troubled that the Administration would focus not on securing the border and enforcing laws already on the books, but instead on hampering the constitutional rights of American citizens.

We urge the ATF and OMB to abandon this ill-conceived proposal. This proposed policy change is a "solution" looking for a problem, and unfounded and misguided protests by foreign governments should not lead to regulatory actions not based on statutory authority.

Sincerely,



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Tom Colman

Jeff Sessions

John Flynn

Mike Crogon

John Eisinger

Rand Paul

Jan E. Rind

Kay Bailey Hutchison

Jan DeMint

Mike Enzi

Dan Vitter

John Barrasso

John Boozman

Jim Cooper

Sayby Chaublin

cc: The Honorable Eric Holder, Attorney General, U.S. Department of Justice
The Honorable Cass Sunstein, Administrator, Office of Information and Regulatory Affairs